

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

CHRISTOPHER SANDERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civ. No. 17-4197 (RMB)

OPINION

BUMB, United States District Judge

Petitioner, Christopher Sanders, a prisoner confined in FCI McDowell, in Welch, West Virginia, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on June 9, 2017. (Pet., ECF No. 1.) The Court will grant Petitioner's application to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915. (IFP App., ECF No. 2.)

Petitioner seeks an in person appearance in Philadelphia, PA to argue his motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255, which he filed in 2016, in the U.S. District Court, Eastern District of Pennsylvania. (Id. ¶6, Ground One.) Petitioner asserts jurisdiction under 28 U.S.C. § 2241, which provides, in pertinent part:

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. . . .

(c) The writ of habeas corpus shall not extend to a prisoner unless—

(3) He is in custody in violation of the Constitution or laws or treaties of the United States.

"Motions pursuant to 28 U.S.C. § 2255 are the presumptive means by which federal prisoners can challenge their convictions or sentences that are allegedly in violation of the Constitution." Okereke v. U.S., 307 F.3d 117, 120 (3d Cir. 2002)(citing Davis v. United States, 417 U.S. 333, 343 (1974)). Motions under § 2255 should be filed in the sentencing court. Vieux v. Williamson, 250 Fed.Appx. 519, 521 (3d Cir. 2007) (per curiam). This Court lacks jurisdiction to order a hearing on Petitioner's § 2255 motion, pending in the Eastern District of Pennsylvania. Petitioner should address his concerns directly to the Eastern District of Pennsylvania.

Petitioner's IFP application is granted. However, this Court lacks jurisdiction over Petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2241.

An appropriate Order follows.

Dated: August 21, 2017

s/Renée Marie Bumb_____
RENÉE MARIE BUMB
United States District Judge